

1 Bingham McCutchen LLP
2 WILLIAM F. ABRAMS (CA SBN 88805)
3 MIT WINTER (CA SBN 238515)
4 1900 University Avenue
5 East Palo Alto, CA 94303-2223
6 Telephone: 650.849.4400
7 william.abrams@bingham.com

8 Attorneys for Plaintiff
9 The Board of Trustees of The Leland Stanford Junior
10 University

11

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14

15 The Board of Trustees of The Leland Stanford
16 Junior University,

17 Plaintiff,

18 v.

19 Stanford Financial Group Company and Stanford
20 Group Company,

21 Defendants.

22

23

24

25

26

27

28

No. 3:08-cv-04950 CRB

**STIPULATION AND [PROPOSED]
ORDER CONTINUING HEARING
TO SHOW CAUSE, CONTINUING
HEARING DATES ON PENDING
MOTIONS, AND EXTENDING TIME
TO RESPOND TO DEFENDANT
STANFORD GROUP COMPANY'S
COUNTERCLAIMS**

Hearing to Show Cause:
Existing Date: July 24, 2009
Stipulated Date: August 28, 2009
Time: 10:00 a.m.
Ctrm: 8

Pending Motions:
Existing Date: August 21, 2009
Stipulated Date: September 25, 2009

Response to Counterclaims:
Existing Date: August 7, 2009
Stipulated Date: September 11, 2009

Hon. Charles R. Breyer

1 Pursuant to Civil L.R. 7-7(a) and the Court's Standing Order, all parties to this action, by
 2 and through their respective counsel of record, hereby stipulate as follows:

3 On March 25, 2009, the Court entered an Order to Show Cause requiring the Receiver
 4 appointed by the Northern District of Texas to exercise control and possession of the
 5 Defendants' assets (the "Receiver") to appear before the Court on April 24, 2009 to explain its
 6 contention that further proceedings in this action are barred and why this action should not
 7 proceed. Document No. 103. In addition, the Court directed the Receiver and the Plaintiff
 8 Stanford University ("Stanford") to file a Joint Case Management Conference Statement on or
 9 before April 17, 2009. On April 17, 2009, the Court entered an order granting the parties'
 10 request to continue the hearing to show cause from April 24 to May 29 and directing the parties
 11 to file the Joint Case Management Conference Statement on or before May 22, 2009. Document
 12 No. 106. Thereafter, upon the parties' request, orders were entered by the Court on May 22,
 13 2009 and June 18, 2009 which continued the hearing to show cause to July 24 and directed the
 14 parties to file the Joint Case Management Conference Statement on or before July 17, 2009.
 15 Documents No. 110 and 112.

16 Since the Court entered the May 22, 2009 and June 18, 2009 orders continuing the
 17 hearing to show cause, the parties have exchanged draft documentation regarding their resolution
 18 and are close to completing the settlement process, but need a brief additional amount of time to
 19 perfect certain language relating to new issues that have arisen and to finalize documentation.
 20 While the parties have been working diligently to reach a resolution and to finalize a settlement
 21 agreement, it is unlikely that this process can be completed before the July 17, 2009 filing
 22 deadline for the Joint Case Management Conference Statement or the July 24, 2009 date for the
 23 hearing to show cause.

24 In order to provide the parties time to finish the settlement process and to finalize the
 25 settlement documentation, Stanford and the Receiver wish to continue the date of the hearing to
 26 show cause to August 28, 2009 and to continue the filing date for the Joint Case Management
 27 Conference Statement to August 21, 2009. Additionally, Stanford and the Receiver wish to reset
 28 the hearing dates for the Defendants' five pending motions, which are all currently set for August

1 21, 2009, to September 25, 2009, with opposition and reply dates to run from the later, re-
2 scheduled date pursuant to Civil L.R. 7-3, to extend the time for Stanford to respond to
3 Defendant Stanford Group Company's counterclaims from August 7, 2009 to September 11,
4 2009, and to extend the time for the Defendants to respond to pending discovery requests from
5 July 31, 2009 to September 4, 2009.

6

7 NOW THEREFORE, IT IS SO STIPULATED between the parties that there is good
8 cause for the Court to enter an order resetting the date for the Hearing to Show Cause, which is
9 currently set for July 24, 2009, to August 28, 2009.

10 IT IS FURTHER STIPULATED between the parties that there is good cause to enter an
11 order resetting the filing date for the Joint Case Management Conference Statement, which is
12 currently set for July 17, 2009, to August 21, 2009.

13 IT IS FURTHER STIPULATED between the parties that there is good cause for the
14 Court to enter an order to reset the hearing dates for Stanford Financial Group Company's
15 Motion to Dismiss in Part for Lack of Personal Jurisdiction (Doc. No. 57), Stanford Group
16 Company's Motion to Dismiss the First Amended Complaint For Failure to State a Claim on
17 Which Relief Can be Granted (Doc. No. 62), Stanford Financial Group Company's Motion for
18 Judgment on the Pleadings and to Dismiss the First Amended Complaint (Doc. No. 66), Stanford
19 Financial Group Company's Motion to Dismiss a Portion of the First Amended Complaint for
20 Lack of Subject-Matter Jurisdiction (Doc. No. 74), and Stanford Financial Group Company's
21 Motion for Partial Summary Judgment (Doc. No. 80), which are all currently set for August 21,
22 2009, to September 25, 2009, with opposition and reply dates to run from the later, re-scheduled
23 date pursuant to Civil L.R. 7-3.

24 IT IS FURTHER STIPULATED between the parties that there is good cause for the
25 Court to enter an order extending the time for Stanford to respond to Stanford Group Company's
26 counterclaims from August 7, 2009 to September 11, 2009.

27 //

28 //

1 IT IS FURTHER STIPULATED that the time for the Defendants to respond to pending
2 discovery requests is extended from July 31, 2009 to September 4, 2009.

3
4 DATED: July 16, 2009

5 Bingham McCutchen LLP
6
7

8 By: /s/ William F. Abrams
9 William F. Abrams
Bingham McCutchen LLP

10 Attorneys for Plaintiff
11 The Board of Trustees of The Leland
Stanford Junior University

12 DATED: July 16, 2009

13 Thompson & Knight LLP
14

15
16 By: /s/ Jessica B. Magee
17 Jessica B. Magee
Thompson & Knight, LLP

18 Attorneys for the Receiver for Defendants
19 Stanford Financial Group Company and
20 Stanford Group Company

21
22
23
24
25
26
27
28

1 **NOW THEREFORE, IT IS HEREBY ORDERED THAT** the Hearing to Show

2 Cause, currently set for July 24, 2009, is re-scheduled for hearing at 10:00 a.m. in Courtroom 8
3 on August 28, 2009.

4 **IT IS FURTHER ORDERED THAT** a Joint Case Management Conference Statement,

5 currently due to be filed on or before July 17, 2009, shall be filed on or before August 21, 2009.

6 **IT IS FURTHER ORDERED THAT** Stanford Financial Group Company's Motion to

7 Dismiss in Part for Lack of Personal Jurisdiction (Doc. No. 57), Stanford Group Company's
8 Motion to Dismiss the First Amended Complaint For Failure to State a Claim on Which Relief
9 Can be Granted (Doc. No. 62), Stanford Financial Group Company's Motion for Judgment on the
10 Pleadings and to Dismiss the First Amended Complaint (Doc. No. 66), Stanford Financial Group
11 Company's Motion to Dismiss a Portion of the First Amended Complaint for Lack of Subject-
12 Matter Jurisdiction (Doc. No. 74), and Stanford Financial Group Company's Motion for Partial
13 Summary Judgment (Doc. No. 80), set for hearing on August 21, 2009, are re-scheduled for
14 hearing at 10:00 a.m. in Courtroom 8 on September 25, 2009, with opposition and reply
15 deadlines to be based on the re-scheduled date.

16 **IT IS FURTHER ORDERED THAT** the time for Stanford to respond to Defendant

17 Stanford Group Company's counterclaims is extended from August 7, 2009 to September 11,
18 2009.

19 **IT IS FURTHER ORDERED** that the time for the Defendants to respond to pending

20 discovery requests is extended from July 31, 2009 to September 4, 2009.

21

22

23

24 DATED: July 16, 2009

